PROOF

STATE OF IOWA

Senate Journal

MONDAY, APRIL 3, 2017

Printed daily by the State of Iowa during the sessions of the General Assembly. An official corrected copy is available for reference in the Secretary of the Senate's Office. (The official bound copy will be available after a reasonable time upon adjournment.)

JOURNAL OF THE SENATE

EIGHTY-FIFTH CALENDAR DAY FIFTY-SEVENTH SESSION DAY

Senate Chamber Des Moines, Iowa, Monday, April 3, 2017

The Senate met in regular session at 1:02 p.m., President Whitver presiding.

Prayer was offered by the Honorable David Johnson, member of the Senate from Osceola County, Ocheyedan, Iowa.

PLEDGE OF ALLEGIANCE

The Pledge of Allegiance was led by Senate Page Abram Watson.

The Journal of Friday, March 31, 2017, was approved.

INTRODUCTION OF GOVERNOR'S APPOINTEE

The Secretary of the Senate introduced Doug Ommen, the Governor's appointee to be the Commissioner of Insurance. He was the guest of Senator C. Johnson and the committee on Commerce.

RECESS

On motion of Senator Dix, the Senate recessed at 1:07 p.m. until the completion of a meeting of the committee on Natural Resources and Environment.

RECONVENED

The Senate reconvened at 3:23 p.m., President Whitver presiding.

LEAVE OF ABSENCE

Leave of absence was granted as follows:

Senator Bertrand, until he arrives, on request of Senator Dix.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration House Files 529, 52, 133, and 183.

House File 529

On motion of Senator Chapman, <u>House File 529</u>, a bill for an act providing for conformity with federal law relating to civil penalties for violations of the state occupational safety and health law and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Chapman moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 529), the vote was:

Yeas, 49:

Dawson	Johnson, C.	Schneider
Dix	Johnson, D.	Schultz
Dotzler	Kapucian	Segebart
Dvorsky	Kinney	Shipley
Edler	Kraayenbrink	Sinclair
Feenstra	Lofgren	Smith
Garrett	Lykam	Taylor
Greene	Mathis	Whitver
Guth	McCoy	Zaun
Hart	Petersen	Zumbach
Hogg	Quirmbach	
Horn	Ragan	
Jochum	Rozenboom	
	Dix Dotzler Dvorsky Edler Feenstra Garrett Greene Guth Hart Hogg Horn	Dix Johnson, D. Dotzler Kapucian Dvorsky Kinney Edler Kraayenbrink Feenstra Lofgren Garrett Lykam Greene Mathis Guth McCoy Hart Petersen Hogg Quirmbach Horn Ragan

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 52

On motion of Senator Sinclair, <u>House File 52</u>, a bill for an act relating to the criminal offense of interference with official acts and certain county-provided bailiff services, and providing penalties, with report of committee recommending passage, was taken up for consideration.

Senator Sinclair moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 52), the vote was:

Yeas, 49:

Allen	Dawson	Johnson, C.	Schneider
Anderson	Dix	Johnson, D.	Schultz
Behn	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Shipley
Bolkcom	Edler	Kraayenbrink	Sinclair
Boulton	Feenstra	Lofgren	Smith
Bowman	Garrett	Lykam	Taylor
Breitbach	Greene	Mathis	Whitver
Brown	Guth	McCoy	Zaun
Chapman	Hart	Petersen	Zumbach
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	
Danielson	Jochum	Rozenboom	

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 133

On motion of Senator Schneider, <u>House File 133</u>, a bill for an act relating to guardians ad litem, attorneys for minor children, child custody investigators, and child and family reporters involved in child custody and visitation proceedings, with report of committee recommending passage, was taken up for consideration.

Senator Dix asked and received unanimous consent that action on **House File 133** be **deferred**.

House File 183

On motion of Senator Garrett, <u>House File 183</u>, a bill for an act relating to service of copies of court documents on certain persons relating to the receipt of emergency protective services by a dependent adult, with report of committee recommending passage, was taken up for consideration.

Senator Garrett moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 183), the vote was:

Yeas, 49:

Allen	Dawson	Johnson, C.	Schneider
Anderson	Dix	Johnson, D.	Schultz
Behn	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Shipley
Bolkcom	Edler	Kraayenbrink	Sinclair
Boulton	Feenstra	Lofgren	Smith
Bowman	Garrett	Lykam	Taylor
Breitbach	Greene	Mathis	Whitver
Brown	Guth	McCoy	Zaun
Chapman	Hart	Petersen	Zumbach
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	
Danielson	Jochum	Rozenboom	

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **House** Files 52, 183, and 529 be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration House Files 202, 307, 467, and 475.

House File 202

On motion of Senator Rozenboom, <u>House File 202</u>, a bill for an act relating to the solid waste environmental management systems program and beautification grants, with report of committee recommending passage, was taken up for consideration.

Senator Rozenboom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 202), the vote was:

Yeas, 49:

Allen	Dawson	Johnson, C.	Schneider
Anderson	Dix	Johnson, D.	Schultz
Behn	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Shipley
Bolkcom	Edler	Kraayenbrink	Sinclair
Boulton	Feenstra	Lofgren	Smith
Bowman	Garrett	Lykam	Taylor
Breitbach	Greene	Mathis	Whitver
Brown	Guth	McCoy	Zaun
Chapman	Hart	Petersen	Zumbach
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	
Danielson	Jochum	Rozenboom	

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 307

On motion of Senator Lofgren, <u>House File 307</u>, a bill for an act relating to the procedures for granting a waterworks or sewer services franchise by a city and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Lofgren moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 307), the vote was:

Yeas, 49:

Allen	Dawson	Johnson, C. Schnei	
Anderson	Dix	Johnson, D.	Schultz
Behn	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Shipley
Bolkcom	Edler	Kraayenbrink	Sinclair
Boulton	Feenstra	Lofgren	Smith
Bowman	Garrett	Lykam	Taylor
Breitbach	Greene	Mathis	Whitver
Brown	Guth	McCoy	Zaun
Chapman	Hart	Petersen	Zumbach
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	
Danielson	Jochum	Rozenboom	

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 467

On motion of Senator Brown, <u>House File 467</u>, a bill for an act including law enforcement communications systems within the scope of state communications included in the Iowa communications network, with report of committee recommending passage, was taken up for consideration.

Senator Brown moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 467), the vote was:

Yeas, 49:

Allen	Dawson	Johnson, C.	Schneider
Anderson	Dix	Johnson, D.	Schultz
Behn	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Shipley
Bolkcom	Edler	Kraayenbrink	Sinclair
Boulton	Feenstra	Lofgren	Smith
Bowman	Garrett	Lykam	Taylor
Breitbach	Greene	Mathis	Whitver
Brown	Guth	McCoy	Zaun
Chapman	Hart	Petersen	Zumbach
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	
Danielson	Jochum	Rozenboom	

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 475

On motion of Senator Rozenboom, <u>House File 475</u>, a bill for an act relating to the use of a straight wall cartridge rifle to hunt deer and including penalties, with report of committee recommending passage, was taken up for consideration.

Senator Kinney offered amendment $\underline{S-3273}$, filed by him from the floor to page 1 of the bill, and moved its adoption.

A record roll call was requested.

On the question "Shall amendment $\underline{S-3273}$ be adopted?" (H.F. 475), the vote was:

Yeas, 16:

Bolkcom	Hart	Johnson, D.	McCoy
Boulton	Hogg	Kapucian	Petersen
Dotzler	Horn	Kinney	Quirmbach
Dvorsky	Jochum	Mathis	Whitver

Nays, 33:

Allen	Costello	Johnson, C.	Shipley
Anderson	Danielson	Kraayenbrink	Sinclair
Behn	Dawson	Lofgren	Smith
Bisignano	Dix	Lykam	Taylor
Bowman	Edler	Ragan	Zaun
Breitbach	Feenstra	Rozenboom	Zumbach
Brown	Garrett	Schneider	
Chapman	Greene	Schultz	
Chelgren	Guth	Segebart	

Absent, 1:

Bertrand

Amendment S-3273 lost.

Senator Rozenboom moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 475), the vote was:

Yeas, 49:

Allen	Dawson	Johnson, C.	Schneider
Anderson	Dix	Johnson, D.	Schultz
Behn	Dotzler	Kapucian	Segebart
Bisignano	Dvorsky	Kinney	Shipley
Bolkcom	Edler	Kraayenbrink	Sinclair
Boulton	Feenstra	Lofgren	Smith
Bowman	Garrett	Lykam	Taylor
Breitbach	Greene	Mathis	Whitver
Brown	Guth	McCoy	Zaun
Chapman	Hart	Petersen	Zumbach
Chelgren	Hogg	Quirmbach	
Costello	Horn	Ragan	
Danielson	Jochum	Rozenboom	

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **House** Files 202, 307, 467, and 475 be immediately messaged to the House.

CONSIDERATION OF BILLS (Regular Calendar)

Senator Dix asked and received unanimous consent to take up for consideration House Files 485, 547, and 572.

House File 485

On motion of Senator Guth, <u>House File 485</u>, a bill for an act allowing city council members to serve a city's volunteer fire department without compensation in any position or capacity, with report of committee recommending passage, was taken up for consideration.

Senator Boulton asked and received unanimous consent that action on House File 485 be deferred.

House File 547

On motion of Senator C. Johnson, <u>House File 547</u>, a bill for an act relating to background investigations conducted by the department of human services, with report of committee recommending passage, was taken up for consideration.

Senator C. Johnson moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time. On the question "Shall the bill pass?" (H.F. 547), the vote was:

Yeas, 49:

Johnson, C. Schneider Allen Dawson Johnson, D. Schultz Anderson Dix Behn Dotzler Kapucian Segebart Dvorsky Shipley Bisignano Kinney Bolkcom Edler Kraavenbrink Sinclair Boulton Feenstra Lofgren Smith Garrett Lykam Taylor Bowman Mathis Whitver Breitbach Greene Brown Guth McCoy Zaun Chapman Zumbach Hart Petersen Chelgren Quirmbach Hogg Costello Horn Ragan Danielson Jochum Rozenboom

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

House File 572

On motion of Senator Guth, <u>House File 572</u>, a bill for an act relating to employment services programs administered by the department of workforce development by modifying the membership requirements and duties of the Iowa workforce development board and authorizing the department to carry out unemployment insurance systems modernization, making appropriations, and including effective date provisions, with report of committee recommending passage, was taken up for consideration.

Senator Guth moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time.

On the question "Shall the bill pass?" (H.F. 572), the vote was:

Yeas, 49:

.tz
art
ey
air
1
r
ver
ach

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

BUSINESS PENDING

House File 133

The Senate resumed consideration of <u>House File 133</u>, a bill for an act relating to guardians ad litem, attorneys for minor children, child custody investigators, and child and family reporters involved in child custody and visitation proceedings, previously deferred.

Senator McCoy withdrew amendment <u>S-3274</u>, filed by him from the floor to pages 1, 2, and 4 and amending the title page of the bill.

Senator Schneider moved that the bill be read the last time now and placed upon its passage, which motion prevailed by a voice vote, and the bill was read the last time. On the question "Shall the bill pass?" (H.F. 133), the vote was:

Yeas, 49:

Johnson, C. Schneider Allen Dawson Johnson, D. Schultz Anderson Dix Behn Dotzler Kapucian Segebart Dvorsky Shipley Bisignano Kinney Bolkcom Edler Kraayenbrink Sinclair BoultonFeenstra Lofgren Smith Garrett Lykam Taylor Bowman Breitbach Mathis Whitver Greene Brown Guth McCoy Zaun Chapman Zumbach Hart Petersen Chelgren Quirmbach Hogg CostelloHorn Ragan Danielson Jochum Rozenboom

Nays, none.

Absent, 1:

Bertrand

The bill, having received a constitutional majority, was declared to have passed the Senate and the title was agreed to.

IMMEDIATELY MESSAGED

Senator Dix asked and received unanimous consent that **House** Files 133, 547, and 572 be immediately messaged to the House.

WITHDRAWN

Senator Breitbach asked and received unanimous consent that **Senate File 312** be **withdrawn** from further consideration of the Senate.

Senator Rozenboom asked and received unanimous consent that **Senate File 273** be **withdrawn** from further consideration of the Senate.

ADJOURNMENT

On motion of Senator Dix, the Senate adjourned at 4:23 p.m. until 9:00 a.m., Tuesday, April 4, 2017.

APPENDIX

COMMUNICATION RECEIVED

The following communication was received in the office of the Secretary of the Senate and placed on file in the Legislative Services Agency:

DEPARTMENT OF HUMAN SERVICES

Joint Investment Trust Report, pursuant to Iowa Code section 12B.10A. Report received on March $31,\,2017$.

CERTIFICATE OF RECOGNITION

The Secretary of the Senate issued the following certificate of recognition:

Thomas and Tammy Vittetoe, Washington—For winning the Gary Wergin Good Neighbor Award. Senator Kinney.

REPORTS OF COMMITTEE MEETINGS

NATURAL RESOURCES AND ENVIRONMENT

Convened: Monday, April 3, 2017, 2:35 p.m.

Members Present: Rozenboom, Chair; Shipley, Vice Chair; Dvorsky, Ranking Member; Anderson, Behn, Breitbach, Greene, Hart, D. Johnson, Kapucian, Kinney, and Lykam.

Members Absent: Bertrand (excused).

Committee Business: Governor's appointees.

Adjourned: 2:40 p.m.

STATE GOVERNMENT

Convened: Monday, April 3, 2017, 2:20 p.m.

Members Present: Smith, Chair; Chapman, Vice Chair; Bisignano, Ranking Member; Anderson, Bowman, Brown, Danielson, Dawson, Feenstra, Horn, Jochum, Petersen, Schultz, and Zaun.

Members Absent: Schneider (excused).

Committee Business: Governor's appointees.

Adjourned: 2:30 p.m.

FINAL COMMITTEE REPORTS OF BILL ACTION

JUDICIARY

Bill Title: HOUSE FILE 146, a bill for an act relating to notice requirements for actions for forcible entry and detainer.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3270.

Final Vote: Ayes, 12: Zaun, Dawson, Taylor, Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, and Shipley. Nays, none. Absent, 1: Sinclair.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 526, a bill for an act relating to the criminal offense of harassment or invasion of privacy, providing penalties, and making penalties applicable.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT S-3271.

Final Vote: Ayes, 11: Zaun, Dawson, Bisignano, Boulton, Edler, Garrett, Kinney, Petersen, Schneider, Schultz, and Shipley. Nays, 1: Taylor. Absent, 1: Sinclair.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

ALSO:

Bill Title: HOUSE FILE 579, a bill for an act relating to criminal sentencing by modifying criminal penalties for cocaine base and attempted murder, making inapplicable certain provisions relating to mandatory sentences, mandatory minimum sentences, limitations on parole and work release, and limitations on earned time, and modifying the reconsideration of certain felons' sentences.

Recommendation: AMEND AND DO PASS, AS PROVIDED IN AMENDMENT $\underline{8-3272}$.

Final Vote: Ayes, 8: Zaun, Dawson, Boulton, Edler, Petersen, Schneider, Schultz, and Shipley. Nays, 4: Taylor, Bisignano, Garrett, and Kinney. Absent, 1: Sinclair.

Fiscal Note: NOT REQUIRED UNDER JOINT RULE 17.

GOVERNOR'S APPOINTEES PLACED ON EN BLOC CONFIRMATION CALENDAR

The following appointees, assigned to standing committees for investigation, were placed on the En Bloc Confirmation Calendar with recommendation for confirmation:

NATURAL RESOURCES AND ENVIRONMENT

Howard Hill – Environmental Protection Commission Chad Ingels – Environmental Protection Commission Bob Sinclair – Environmental Protection Commission

Ronald Herrig – Flood Mitigation Board Amy Kaleita – Flood Mitigation Board

STATE GOVERNMENT

Tobi Parks - Commission on the Status of African Americans

Christine Spratt - Alcoholic Beverages Commission

Joseph Ferrentino – Architectural Examining Board Jerry Purdy – Architectural Examining Board

Dirk Hillard – Commission of Deaf Services Telina McKenna-Quintana – Commission of Deaf Services

Rita Perea – Engineering and Land Surveying Examining Board Marlon Vogt – Engineering and Land Surveying Examining Board

Bret Battles – Board of Hearing Aid Specialists Jon McAvoy – Board of Hearing Aid Specialists

Marlene Sprouse – Investment Board of the IPERS Lisa Stange – Investment Board of the IPERS

David Edwards - Board of Massage Therapy

Diane Clark – Board of Medicine Brian Wilson – Board of Medicine

Todd Kale – Board of Mortuary Science Mollie Pawlosky – Board of Mortuary Science

Peter Stopulos – Board of Physician Assistants

Dr. Mindy Trotter - Board of Podiatry

Dr. Carl Heinrich – State Racing and Gaming Commission Jeffrey Lamberti – State Racing and Gaming Commission

Dan O'Hern – Real Estate Appraiser Examining Board James Pooley – Real Estate Appraiser Examining Board Teresa Selberg – Real Estate Appraiser Examining Board

Helen Kimes – Real Estate Commission Michael Telford – Real Estate Commission

Lawrence Lilla - Board of Respiratory Care

Megan Begley – Board of Social Work Karilynne Lenning – Board of Social Work Tony Raymer – Board of Social Work

Ashley Bahr – Board of Speech Pathology and Audiology Julia Duer – Board of Speech Pathology and Audiology George Eichhorn – Board of Speech Pathology and Audiology

Tim Peterson - Technology Advisory Council

Keith Leonard –Iowa Board of Veterinary Medicine Ann Werner –Iowa Board of Veterinary Medicine

PLACEMENT ON INDIVIDUAL CONFIRMATION CALENDAR

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Howard Hill to Environmental Protection Commission be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

DAVID JOHNSON

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Chad Ingels to Environmental Protection Commission be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

DAVID JOHNSON

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Bob Sinclair to Environmental Protection Commission be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

DAVID JOHNSON

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Diane Clark to Board of Medicine be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

JANET PETERSEN

MR. PRESIDENT: Pursuant to Senate Rule 59, I hereby request that the name of Hamed Tewfik to Board of Medicine be removed from the "En Bloc Confirmation Calendar" and placed on the "Individual Confirmation Calendar":

JANET PETERSEN

EXPLANATION OF VOTES

MR. PRESIDENT: I was necessarily absent from the Senate chamber on Thursday, March 30, 2017, when the vote was taken on <u>House File 586</u>. Had I been present, I would have voted AYE.

BILL ANDERSON

MR. SECRETARY: I was present in the Senate Chamber on Monday, April 3, 2017, when the vote was taken on amendment $\underline{S-3273}$ to $\underline{House\ File\ 475}$. I was present and I voted "Yea." My vote yea represented an inadvertent and accidental use of the green button (Yea), when in fact I had intended to utilize the red button (Nay) in the vote. The Secretary of the Senate had closed the voting system prior to my being able to change my vote. Let it herein be noted that I was not in favor of final passage of amendment $\underline{S-3273}$.

JACK WHITVER

AMENDMENTS FILED

S - 3270	<u>H.F.</u>	146	Judiciary
<u>S-3271</u>	H.F.	<u>526</u>	Judiciary
S - 3272	H.F.	579	Judiciary
S-3273	H.F.	475	Kevin Kinney
S-3274	H.F.	133	Matt McCoy